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13 *LUSH HANDMADE COSMETICS, LLC*

14 (Additional counsel listed below)

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 U.S. EQUAL EMPLOYMENT
19 OPPORTUNITY COMMISSION,

20 Plaintiff,

21 vs.

22 LUSH HANDMADE COSMETICS LLC,
23 f/k/a LUSH COSMETICS LLC,

24 Defendant.

Case No.: 5:24-cv-06859-PCP

**RESPONSE TO PROSPECTIVE
INTERVENOR PLAINTIFFS' MOTION
FOR LEAVE TO INTERVENE AS
PLAINTIFFS**

Honorable District Judge P. Casey Pitts

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LUSH HANDMADE COSMETICS, LLC

**RESPONSE TO PROSPECTIVE INTERVENOR PLAINTIFFS' MOTION FOR LEAVE TO
INTERVENE AS PLAINTIFFS**

Defendant Lush Handmade Cosmetics, LLC (Lush) states in response to the Prospective Intervenor Plaintiffs' Motion for Leave to Intervene as follows:

1. On March 6, 2025, two prospective intervenor plaintiffs identified as Emma Cate Robertson and Mx. Harris ("Prospective Plaintiff Intervenors") filed Prospective Intervenor Plaintiffs' Notice of Motion and Motion for Leave to Intervene as Plaintiffs, and related papers including a proposed complaint in intervention. *See* ECF No. 29 and related documents.

2. At this time, and without waiving any future claims or defenses, Lush does not oppose intervention by the Prospective Plaintiff Intervenors. Mx. Harris has chosen to plead anonymously. *See* ECF No. 29, n.1. Lush is consequently unaware of this prospective plaintiff's identity and lacks any substantial information beyond the Motion for Leave to Amend and related papers from which to assess the propriety of intervention or Mx. Harris' allegations.

3. Lush preserves all claims or defenses it has or may have against either of the Prospective Plaintiff Intervenors, and does not waive the future ability to challenge intervention at or after discovery should new and pertinent information come to light. Indeed, Lush may raise any appropriate challenges and defenses to the claims asserted by either Prospective Plaintiff Intervenor or both of them.

Respectfully submitted,

Date: March 20, 2025

BY: /s/ Eric S. Dreiband

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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2025, I electronically filed the forgoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all CM/ECF participants.

Dated: March 20, 2025

BY: /s/ Eric S. Dreiband